

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
Policies and Rules Concerning)
Children's Television Programming)
)
Revision of Programming Policies)
for Television Broadcast Stations)

MM Docket No. 93-48

**RECEIVED
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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

COMMENTS OF KIDSNET, INC.

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KIDSNET, Inc. is an information clearinghouse on children's radio and television that uses print and electronic vehicles to inform and educate parents and professionals about quality programming for children and youth. A summary of KIDSNET's testimony, delivered by the undersigned before the FCC en banc hearing of June 28, 1994, is attached to these comments. KIDSNET believes that in order for any broadcaster to be in compliance with the Children's Television Act the FCC must define what is meant by educational programming and offer guidance for broadcasters in determining when these programs should be aired. Without this guidance and shared responsibility it is not fair to expect that broadcasters will be able to meet the goals of the Act.

Our first recommendation, which the undersigned actually made at a previous FCC en banc meeting on children's television over eleven years ago, was for the FCC to form a Temporary Commission on Children's Television that would provide a forum for dialogue among practitioners in the field of children's programming, such as writers, producers, and managers of

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children's programming departments in a non-adversarial atmosphere. Members could also be selected from other pertinent areas of the industry such as advertising, public affairs and promotion, as well as from constituencies in the public sector representing education, health and social services, whose expertise in the needs of this audience is relevant. There would be no formal role for the FCC or other governmental employees, except to provide support to this group as the government does to other advisory committees such as those created by the FCC on HDTV or spectrum planning.

KIDSNET has always served as a facilitator and mediator between the industry and the public on issues related to children's programming. We are willing to take a leadership role, if the FCC wishes, in creating and participating in this Temporary Commission.

This group would be charged with the key role of creating the definition of educational programming, designing the framework for educational objectives, and identifying the target age and appropriate audiences for these programs. It would meet in sunshine four times over a one year period. After the initial period of criteria development the group would be available to provide technical assistance to broadcasters, evaluate the success of the programming definitions and categories, and assist in promotion of the programs as well as parent education.

The purpose of this body would be to make sure the programs do well and are well done, - that is, that they generate an audience and are both educational and entertaining to children. A key objective for this Temporary Commission is to recommend additional tools for broadcasters that could help improve children's programming and achieve successful audiences at the same time. Some of these ideas could include new forms of ascertainment, a Children's Advisory Board

for individual stations, educational consultants, development of ancillary materials, alternative means of distribution for promotion of these programs (such as electronic online or CD-ROM), new types of "family" programs, alliances between commercial and public broadcasters, and better scheduling and promotion for these programs.

FCC Commissioner Susan Ness stated in her April 5, 1995 comments on this docket that "the means to meet our goals must be developed and implemented through cooperative efforts of broadcasters, program creators, advertisers, parents, educators, newspaper publishers, and government officials." FCC Commissioner Rachelle B. Chong reiterated this thought in her comments of the same day: she "encourage(ed) all those involved in the effort to bring educational programming to our children...to meet and work together to make more programming available... Perhaps networks, broadcasters, and program producers will forge new partnerships and explore new approaches to making attractive children's educational and informational programming."

A major factor for the success of these newly defined children's programs will be the way in which audiences are selected and informed about their existence. In her April 5, 1995 comments Commissioner Ness emphasized that "programming that is designed to educate and inform cannot serve its purpose if parents and children don't know it is there. A requirement that broadcasters identify what they believe to be their educational and informational programs to newspapers and other TV program guides may be a necessary and minimally burdensome way to ensure that the public is informed." And in his March 10, 1995 speech to the Children's Defense Fund in Seattle, Washington, FCC Chairman Reed Hundt made a similar comment that

"organizations should help parents by publicizing clear designations of what they regard as excessively violent and therefore inappropriate for children as well as what they regard as especially appropriate for children ...If broadcasters put the right shows on TV, adults have the responsibility to direct their children to watch it. But they can only live up to that responsibility if they have clear information designating when the children friendly shows are to be aired."

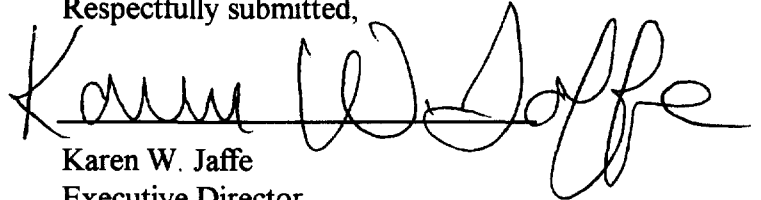
As an organization whose main mission is to provide professionals and parents with this very same information, KIDSNET knows that it can be done. We also know this information can make a difference in program loyalty and audience development.

One argument against a mandated quantity of children's programs that continues to be made is based on the lack of acceptable ratings for quality children's programs. This puts broadcasters who air such programs at an economic disadvantage. KIDSNET's suggestion is that there be a new set of standards or "ratings" for these programs, particularly since they will have a much more narrowly defined target audience than is currently measured by any commercial rating service. Commissioner Chong stated in her April 5, 1995 comments that "I believe our foremost goal should be to ensure that our rules provide incentives for commercial television broadcasters to increase the amount of children's educational and information programming aired." She went on to mention the use of rating icons, such as those discussed at the World Summit on Children and Television, which provide helpful hints to parents. Consistent with Chairman Hundt's suggestion, if Congress implements legislation that requires the identification of programs that are too violent and therefore inappropriate for children, then coordination of any such icons or descriptors should be referenced to programs that are particularly appropriate, as well.

Commissioner Chong said in her April 5, 1995 remarks that " bold and creative approaches are necessary in order to tap television's tremendous potential to teach our children." The recommendations that KIDSNET reiterated at the 1994 children's en banc meeting were not that bold when we suggested them over a decade ago, and they are no more revolutionary today. They are, however, creative. They are also logical, pragmatic, and entirely realistic both to implement and to achieve the desired results. The expertise and procedures already exist to help broadcasters do the good work they have the talent to do.

October 16, 1995

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karen W. Jaffe", written over a horizontal line.

Karen W. Jaffe
Executive Director
KIDSNET, Inc.
6856 Eastern Avenue, NW, Suite 208
Washington, DC 20012
Phone: 202-291-1400

**OUTLINE OF REMARKS
KAREN W. JAFFE
EXECUTIVE DIRECTOR
KIDSNET**

FCC EN BANC HEARING

6/28/94

AN HISTORICAL PERSPECTIVE

I am pleased to once again participate in an FCC en banc proceeding on the subject of children and television. Over eleven years ago I sat in this same room at the last children's en banc hearing to explore the role of the federal government in the future of children's TV. I think it is fair to say that we've come full circle in many areas.

A decade ago, I founded KIDSNET, a non-profit computerized clearinghouse on children's audio, video, radio and television. Our mission is to increase the quality and quantity of children's programs and by generating audiences for these programs we can increase the demand for more product of this caliber. KIDSNET already puts children's programming on the information superhighway. We are not just planning to do this in the future. It is something we have already put into practice--using the information infrastructure to help educators and parents identify quality programs for children.

The industry has argued for years that in lieu of a spectrum fee they offer programming in the public interest. Thus the fact that the economics of children's television are different than the financing of adult programming is in a real sense irrelevant. This "public interest" obligation is the proper basis for exceptional rules for children's television.

The Commission has, up to now, disavowed any responsibility for specific definitions for children's television. But this is the crux of the problem. By continuing to be vague about the broadcaster's responsibility to children the FCC is not being fair to the broadcaster nor representing the interest of the public.

THE BASIC APPROACH

Broadcasters cannot object to rendering such public service without looking foolish. They cannot say to Congress that there should be no spectrum usage fee because of their public service obligations, and then argue that there can be no reasonable accountability in this unique and most vital area.

The Commission cannot, of course, adjudge such quality by examination of the particular program; this would be a wholly inappropriate undertaking for a governmental agency. But it can set out procedures which, if followed in good faith by the broadcaster, have been shown to contribute to quality, and state that, therefore, these procedures can be appropriately taken into account in the renewal process and warrant a merit or credit which counts toward renewal.

SUGGESTED STEPS TO IMPROVE PUBLIC SERVICE FOR CHILDREN

- The FCC should create a Temporary Commission on Children's Television to provide a forum for dialogue in an non-adversarial atmosphere. This group would be charged with identifying the definition of what is educational and informational programming for children; what are the specific age groups that should be targeted with what specific objectives; and suggested ways that a broadcaster might meet these objectives with their programming.
- An important role for this Commission is to help define the target age groups.
- One of the problems that needs to be addressed by the industry is the matter of ratings for children's TV programs.
- In order to assist broadcasters in meeting the new FCC objectives for children's programming, the Commission should encourage them to develop other tools to help them meet these requirements.
 - a. Ascertainment
 - b. A Children's Advisory Board
 - c. Educational Consultants
 - d. Programs or Series with Ancillary Materials
 - e. Alternative Means of Distribution: Getting to the Superhighway
 - f. Well-Promoted Specials
 - g. "Family" Programming
 - h. Public Broadcasting/Commercial TV Alliances
 - i. Continuity

CONCLUSION

I would like to conclude my remarks on two positive notes. It is clear that generating a definition for children's programming that fits with certain requirements is a viable task. In addition, I have faith in the broadcasters of our country that they not only can meet the requirement, but they can make money doing it.